

**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Tentative Notice of Action**

*Promoting the wise use of land*

*Helping build great communities*

MEETING DATE <b>May 20, 2016</b> EFFECTIVE DATE <b>June 3, 2016</b>	CONTACT/PHONE <b>Schani Siong/ 781-4374 / ssiong@co.slo.ca.us</b>	APPLICANT <b>Brecon Estates/ Hackett Pacific Investments</b>	FILE NO. <b>DRC2014-00081</b>
<b>SUBJECT:</b> A request by <b>BRECON ESTATES/ HACKETT PACIFIC INVESTMENTS</b> for a Minor Use Permit (DRC2014-00081) to amend the existing winery operations to allow for the construction of a 2,500 square-foot new visitor parking area; a pedestrian bridge from the new parking area; and a new primary access driveway from Jensen Road. The existing driveway from Vineyard Drive will be maintained as an emergency access during events and the existing parking will be converted to staff and event parking. The applicant is also requesting 6 special events with up to 80 guests, use of an adjacent parcel (APN 039-011-026 under same ownership) for overflow parking for up to 45 spaces during industry events and modification of noise ordinance standards to allow amplified music past 5 PM (to 10 PM). The proposed 6 special events are in addition to industry-wide events, which are exempt from permit requirements. The project will result in approximately 1.51 acres of disturbance. The proposed project site consists of 2 parcels; the existing winery (APN039-011-025; 19.15 acres) and adjacent parcel (APN039-011-026; 20.20 acres) for overflow parking, totaling 39.35 acres. Both parcels are in the Agriculture land use category, and are located at 7450 Vineyard Drive (winery) and 1120 Jensen Road (overflow parking), approximately 7 miles west of the community of Paso Robles, in the Adelaida sub area of the North County Planning Area.			
<b>RECOMMENDED ACTION</b> 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Minor Use Permit DRC2014-00081 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
<b>ENVIRONMENTAL DETERMINATION:</b> The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 7, 2016 for this project. Mitigation measures are proposed to address aesthetics, air quality, biological resources, noise, transportation, wastewater and water/drainage are included as conditions of approval. Anyone interested in commenting or receiving a copy of the proposed Environmental Determination should submit a written statement. Comments will be accepted up until completion of the public hearing(s).			
<b>LAND USE CATEGORY</b> Agriculture	<b>COMBINING DESIGNATION</b> Flood Hazard	<b>ASSESSOR PARCEL NUMBER</b> 039-011-025 & 039-011-026	<b>SUPERVISOR DISTRICT(S)</b> 1
<b>PLANNING AREA STANDARDS:</b> None applicable			
<b>LAND USE ORDINANCE STANDARDS:</b> Section 22.30.070 Agricultural Processing Uses; Chapter 22.18 Parking and Loading Standards; Section 22.30.610, Temporary Events, Section 22.10.120 Noise Standards. <i>Does the project conform to the Land Use Ordinance standards? Yes - see discussion</i>			
<b>FINAL ACTION</b> This tentative decision will become final action on the project, effective on the 15 <sup>th</sup> day following the administrative hearing, or on June 3, 2016 if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

EXISTING USES: Winery and Tasting Room, Single family residence, Vineyards	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture; single-family residence; vineyard <i>East:</i> Agriculture; agricultural uses, dry farm <i>South:</i> Agriculture; single-family residence, vineyard <i>West:</i> Agriculture; single-family residence, vineyard	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Agricultural Commissioner, CAL FIRE, and Templeton Area Advisory Group; California Department of Fish & Wildlife	
TOPOGRAPHY: Gently sloping level to moderately sloping	VEGETATION: Ornamental landscaping, wine grapes
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CAL FIRE	ACCEPTANCE DATE: February 26, 2015

### PROJECT BACKGROUND:

In 1993, a Minor Use Permit (D930005P) authorized the conversion of an approximately 5,600 square foot (sf) agricultural building into a wine processing facility including: 4,000 sf of production area, 1,600 sf tasting room, and related site improvements including the visitor parking lot. In 2013, tenant improvements to the tasting room and modifications to the exterior of the building were completed. No changes are proposed to the existing wine production facility or tasting room. The current access to the winery and tasting room is via an existing driveway off Vineyard Drive at the southwestern portion of the property.

This project proposes a new primary access (ingress & egress) along Jensen Road, which allows visitors to enter the new parking area to the north and will separate the visitor and production traffic cross over that currently occurs. The existing Vineyard Drive access will serve as ingress (only) for staff and production vehicles. During regular operations, separation of the visitor and staff traffic by having two separate driveway entrances will help reduce minor congestion at the existing Vineyard Drive entrance and unto the road. During events, the Vineyard Drive access will be used as an emergency secondary access which will allow emergency exit only. The existing parking area will be used for staff and production trucks parking, and also events parking. During larger industry-wide events, overflow parking will be located at the adjacent parcel on Jensen Road (See Figure 1).

### PROJECT DESCRIPTION:

The proposed project includes an amendment to an existing winery Minor Use Permit to allow for the following:

- a. *Construction of an approximately 2,500 square foot new visitor parking area (10 spaces) with decomposed granite for regular use;*
- b. *Conversion of the existing visitor parking area to winery production (staff) and event parking;*
- c. *Construction of a new pedestrian bridge from the new parking area;*
- d. *Construction of a new primary access driveway from Jensen Road and maintaining the existing Vineyard Drive access as an emergency secondary access for events;*
- e. *Request for maximum 6 special events for up to 80 attendees;*
- f. *Use of adjacent parcel (APN 039-011-026, 1120 Jensen Road) for overflow parking for up to 45 spaces during industry events; and*
- g. *Modification of ordinance standards to allow amplified music past 5 PM (to 10PM).*

The project would result in approximately 1.51 acres of disturbance. The proposed project site Includes 2 parcels; the existing winery (APN 039-011-025; 19.15 acres) and adjacent parcel

(APN 039-011-026; 20.20 acres) for overflow parking, totaling 39.35 acres. Both parcels are under the same ownership. Both parcels are in the Agriculture land use category, and are located at 7450 Vineyard Drive (winery) and 1120 Jensen Road (overflow parking), approximately 7 miles west of the community of Paso Robles.

**Ordinance Modification:** The applicant is requesting modification of the limitation on use standard Section 22.30.070(D)(3) to allow for outdoor amplified music associated with special events beyond 5PM to 10PM. Special events associated with a winery are governed by LUO Section 22.30.070.D.2.i(3) which sets forth limitations on the number of such events per year (no more than 40) and the hours during which amplified music may be allowed (between the hours of 10 AM and 5PM). The standard relating to amplified music may only be waived or modified where a finding can be made by the Review Authority that the noise at the property line will not exceed 65 dB.

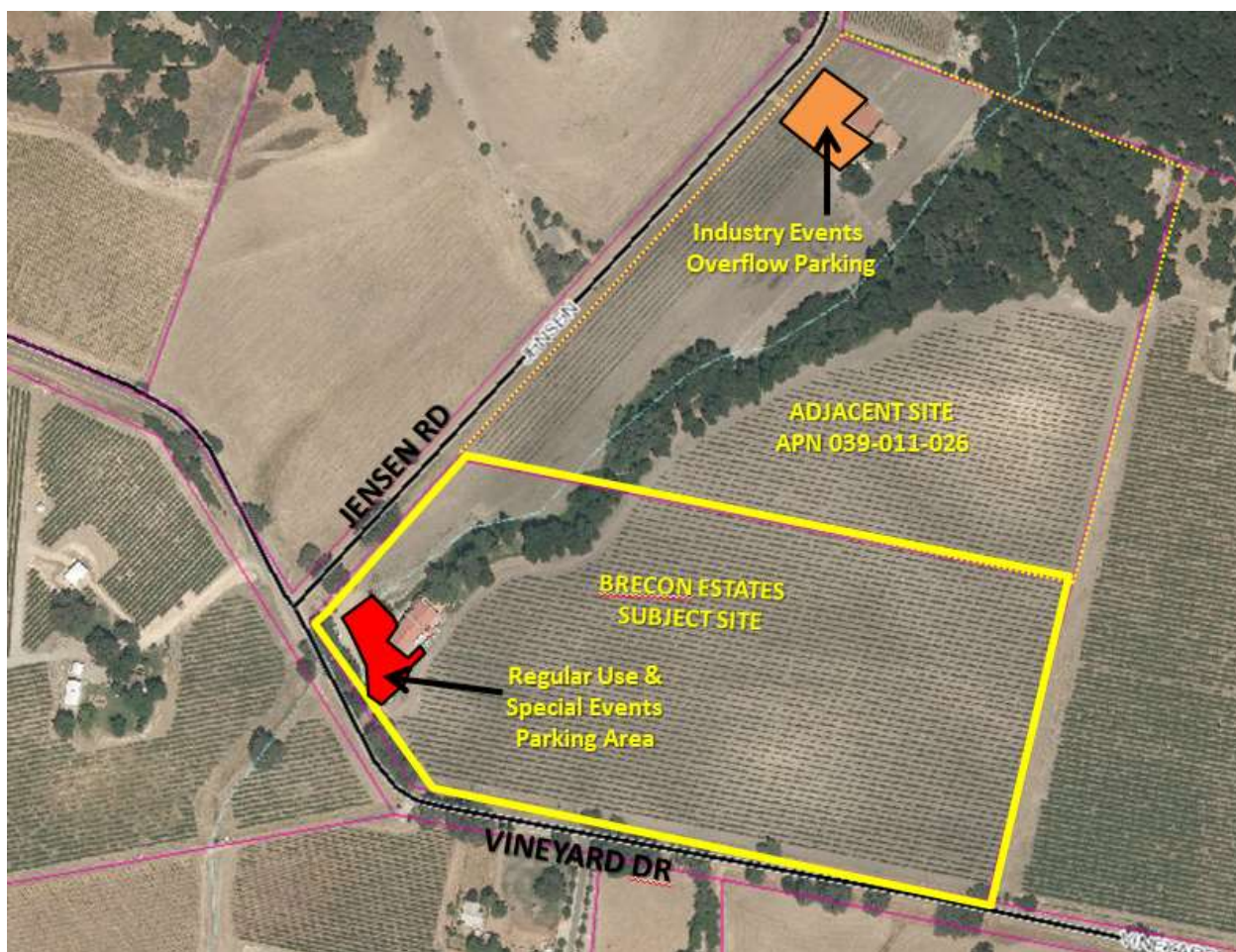


Figure 1. Overall Site Plan ( Winery Parcel and Adjacent Parcel)

#### **LAND USE ORDINANCE STANDARDS:**

##### Ordinance Compliance:

The project is subject to Land Use Ordinance section 22.30.070.D.(2), wineries. Section 22.30.070 sets forth standards for winery development including but not limited to access, parking, design, screening, lighting, special events and outdoor amplified music.

<u><b>Standard</b></u>	<u><b>Allowed / Required</b></u>	<u><b>Proposed</b></u>	<u><b>In Compliance</b></u>
Access location (Section 22.30.070.D2a)	Wineries with tasting rooms, retail sales located within 1 mile of arterial or collector	New primary access from Jensen Road, 150 feet from local collector (Vineyard Dr)	Yes, as conditioned
Solid waste disposal (Section 22.30.070.D2b)	Pomace may be used as fertilizer or soil amendment	No change to existing. Pomace continues to be composted on site	Yes, as conditioned
Liquid waste disposal (Section 22.30.070.D2c)	<ul style="list-style-type: none"> <li>Winery wastewater - standards set through RWQCB</li> <li>Domestic wastewater - leach lines shall be located at least 100 feet from any private well</li> </ul>	<ul style="list-style-type: none"> <li>Conditioned for waste discharge permit from RWQCB</li> <li>Conditioned to provide information to Environmental Health Department to comply</li> </ul>	Yes, as conditioned
Setbacks from residences outside of the ownership of the applicant (Section 22.30.070.D2d)	200 feet for wine processing buildings  400 feet for tasting room	No new structures proposed	NA
Setbacks from property lines: (Section 22.30.070.D2d)	100 feet required for wine processing buildings  200 feet for Tasting Room	No new structures proposed	NA
Signs (Section 22.20)	<ul style="list-style-type: none"> <li>One monument sign</li> <li>Maximum of aggregate area of 100 sf of signing per site</li> <li>Maximum area of 40 sf</li> <li>Maximum height of 5 ft.</li> </ul>	No signs proposed at this time	NA
Parking 1 per 2,000 sf active 1 per 5,000 sf of storage 1 per 200 sf of tasting room (Section 22.18)	9 spaces	10 spaces	Yes, as conditioned

<b><u>Standard</u></b>	<b><u>Allowed / Required</u></b>	<b><u>Proposed</u></b>	<b><u>In Compliance</u></b>
Design Standards (Section 22.30.070.D2g)	Agricultural or residential in nature	Agricultural in character	Yes
Screening/ Landscaping (Section 22.30.070.D2g)	Screening if visible from public road (can be seen from Vineyard Drive)	Landscaping proposed	Yes
Height (Section 22.30.070.D2g)	35 feet	No new structures proposed	NA
Lighting (Section 22.30.070.D2g)	Lighting fixtures are required to be shielded	Future lighting is conditioned to follow ordinance requirements	Yes, as conditioned
Tasting room quantity (Section 22.30.070.D2h)	One tasting room allowed for each winery	No change to existing tasting room	NA
Tasting room distance to Processing Facility (Section 22.30.070.D2h)	Tasting Room must be within 200 feet of the wine processing facility	No new structures proposed	NA
Special Events: Permit Requirement (Section 22.30.070.D2i)	Minor Use Permit approval required for 6 or less special events	6 special events with up to 80 guests	Yes, applicant has applied for a Minor Use Permit approval
Minimum Site Area (Section 22.30.070.D2i)	20 acres	20 acres	Yes
Limitation on Use / Noise (Section 22.30.070.D2i)	<ul style="list-style-type: none"> <li>Special events limited to 40 days per year;</li> <li>Amplified music shall not occur before 10 a.m. and after 5 p.m.;</li> <li>Standard may be waived where finding can be made that the noise will not exceed 65dB at property lines</li> </ul>	<ul style="list-style-type: none"> <li>6 special events with up to 80 guests;</li> <li>Requests outdoor amplified music after 5 p.m.;</li> <li>Acoustics report found noise below 65dB at property lines</li> </ul>	Yes, as conditioned
Design and Operation Standards: Access (Section 22.30.610.D.1-4 and E)	Temporary Events shall be provided 2 access points	One primary access and one secondary access has been proposed	Yes, as conditioned

<u>Standard</u>	<u>Allowed / Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Design and Operation Standards: Special Event Parking (Section 22.30.610.D.1-4 and E)	400 sf per vehicle; Located on open areas with slopes of 10 % or less, free of combustible material; 80 person event would require 16,000 sf	There is enough room located on-site and adjacent site for event and overflow parking	Yes, as conditioned
Design and Operation Standards: Fire Protection (Section 22.30.610.D.1-4 and E)	Facilities to be provided as required by CAL FIRE	Project will be designed to meet CAL FIRE standards	Yes, as conditioned
Design and Operation Standards: Water Supply and sanitation (Section 22.30.610.D.1-4 and E)	Facilities to be provided as required by the Health Department	Project designed to meet Health Department Standards	Yes, as conditioned

### Noise Standards

The following are the maximum allowed exterior noise levels for all areas of the County for both daytime and nighttime.

Maximum Allowed Exterior Noise Level Standards		
Sound levels	Daytime 7 a.m. to 10 p.m.	Nighttime (1) 10 p.m. to 7 a.m.
Hourly Equivalent Sound Level ( $L_{eq}$ dB)	50	45
Maximum level, dB	70	65

*Staff comments: The applicant proposed to conduct 6 winery special events per year, with up to 80 people per event. The request for 6 special events includes modification to the noise standard to allow outdoor amplified music past 5 pm (up to 10 pm). Per the LUO Section 22.30.070.D2i, extended amplified music can be allowed if findings can be made that noise levels do not exceed 65dB at property line.*

*The proposed event area and noise source will be located at the existing lawn area outside the tasting room. Events will also occur inside the tasting room, which has accordion doors opening up to the lawn area. The nearest off-site residences are located on large parcels with the closest of these at approximately 550 feet southwest of the winery facility (See Figure 2.)*

*A Sound Level Assessment was prepared by 45dB Acoustics Consulting (March 12, 2015). The report identified existing background sound sources in the vicinity to be an average of 52dBA. The noise assessment conducted a sound level contour study with a speaker sound level of 88 dBA, located on the lawn area (proposed location for special events – see Figure 3). This sound level simulated sounds from voices and pedestrian circulation. The distance from this amplified sound source to the nearest property line to the northwest is approximately 225 feet. The study concluded that the sound level at the property line is 64 dBA, and meets County standards (Refer Figure 4).*



*Based on the simulated noise assessment, the outdoor noise source on the project shall be limited to 85 dBA (when measured 2 feet from the noise source). Outdoor speakers shall be located easterly facing on the outdoor lawn only. With these conditions, the project shall be in compliance with the County's noise ordinance.*



Figure 2 Nearby residences to Brecon Estates

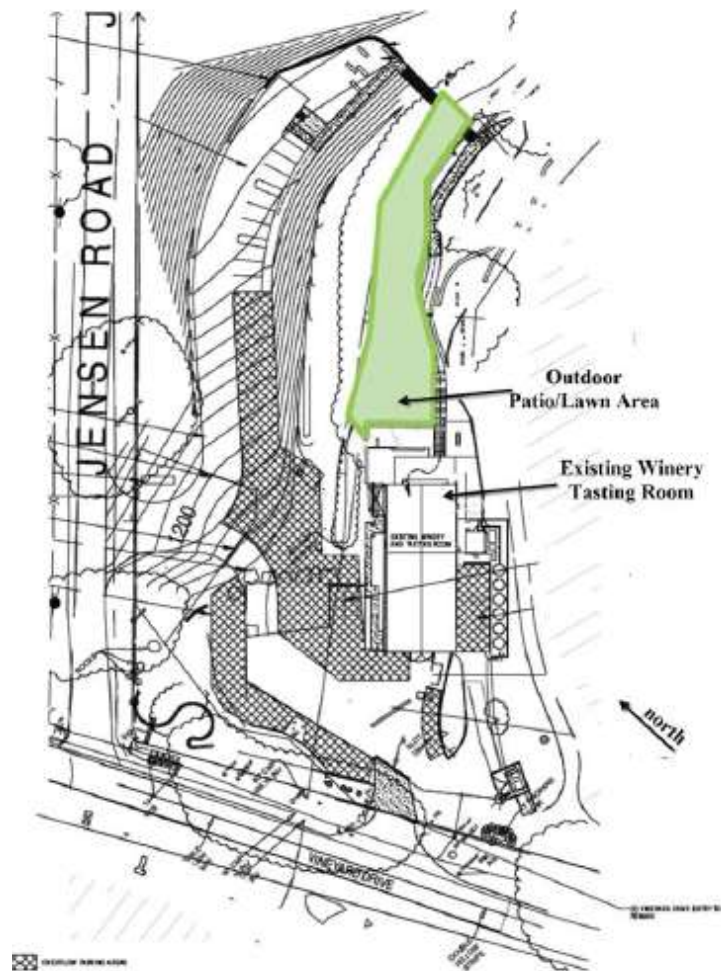


Figure 3. Location of proposed event area (45dB.com, March 12, 2015).



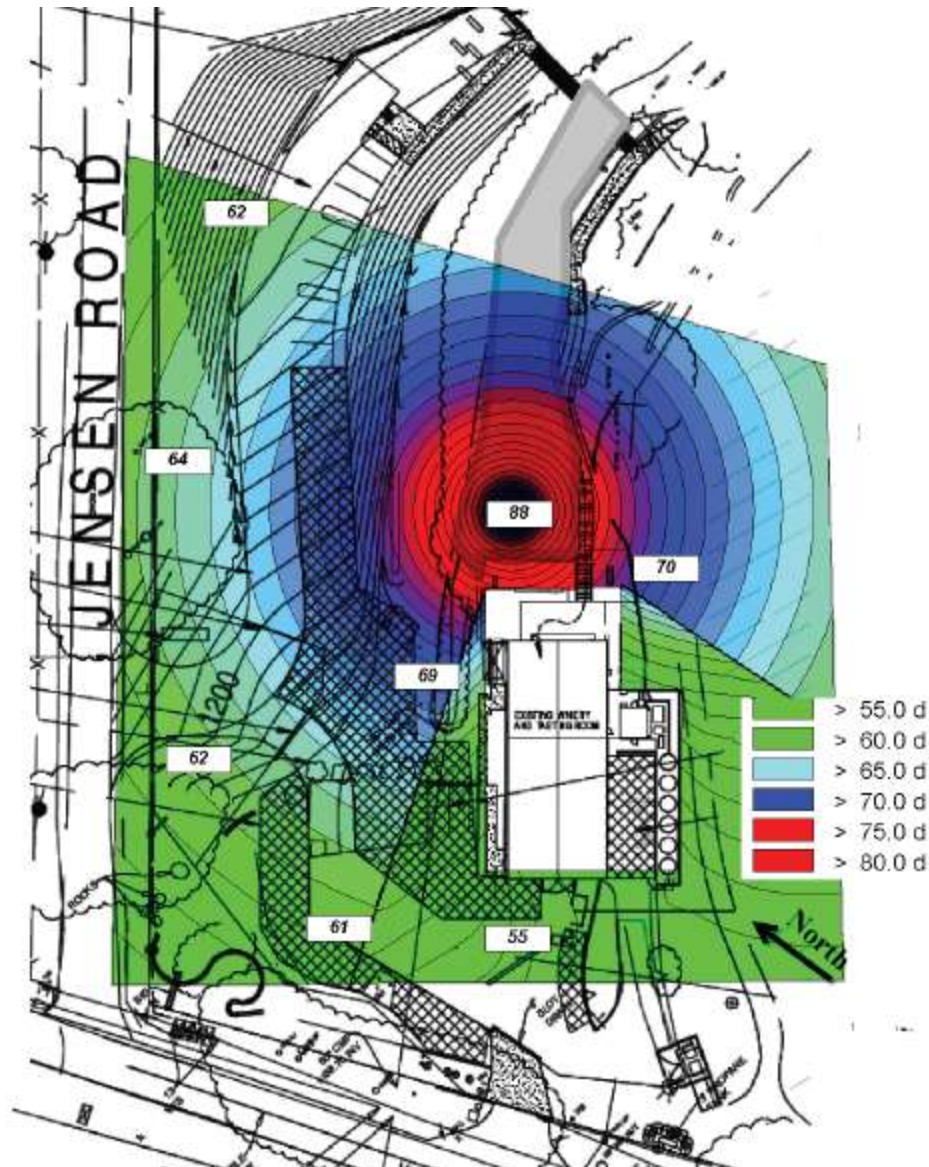


Figure 4. Sound Level Contours (45dB.com, March 12, 2015).

## MAJOR CONCERNS

### Access & On-site circulation

The previous land use permit (D930005P) authorized the existing winery operations, parking and no changes are proposed to the production capacity or size of the facility. The existing winery facility will remain unchanged subject to the original use permit. The proposal to construct a new visitor parking area and primary access from Jensen Road aims to improve onsite circulation. The winery is currently accessed from Vineyard Drive, at the southwestern portion of the property. Because the tasting room is located at the northern end of the building, guests have to cross over the production and operations area in order to get to the tasting room and lawn area. The new primary access from Jensen Road will allow visitors to enter the new parking area farther north and access the lawn (and tasting room) via a pedestrian bridge over the ephemeral creek (see Figure 5). This new access and parking area to the north will

separate the visitor/ production staff crossover that currently occurs onsite. The proposed separate entry configuration will also help alleviate the minor congestion occurring at the Vineyard Drive entrance. The existing access from Vineyard Drive will remain as ingress (only) for staff / production vehicles. During special events, the existing Vineyard Drive access will serve as an emergency secondary access (exit only) and the existing parking area will be used for special event parking. Events with above 80 persons will require the overflow parking area on the adjacent property on Jensen Road.

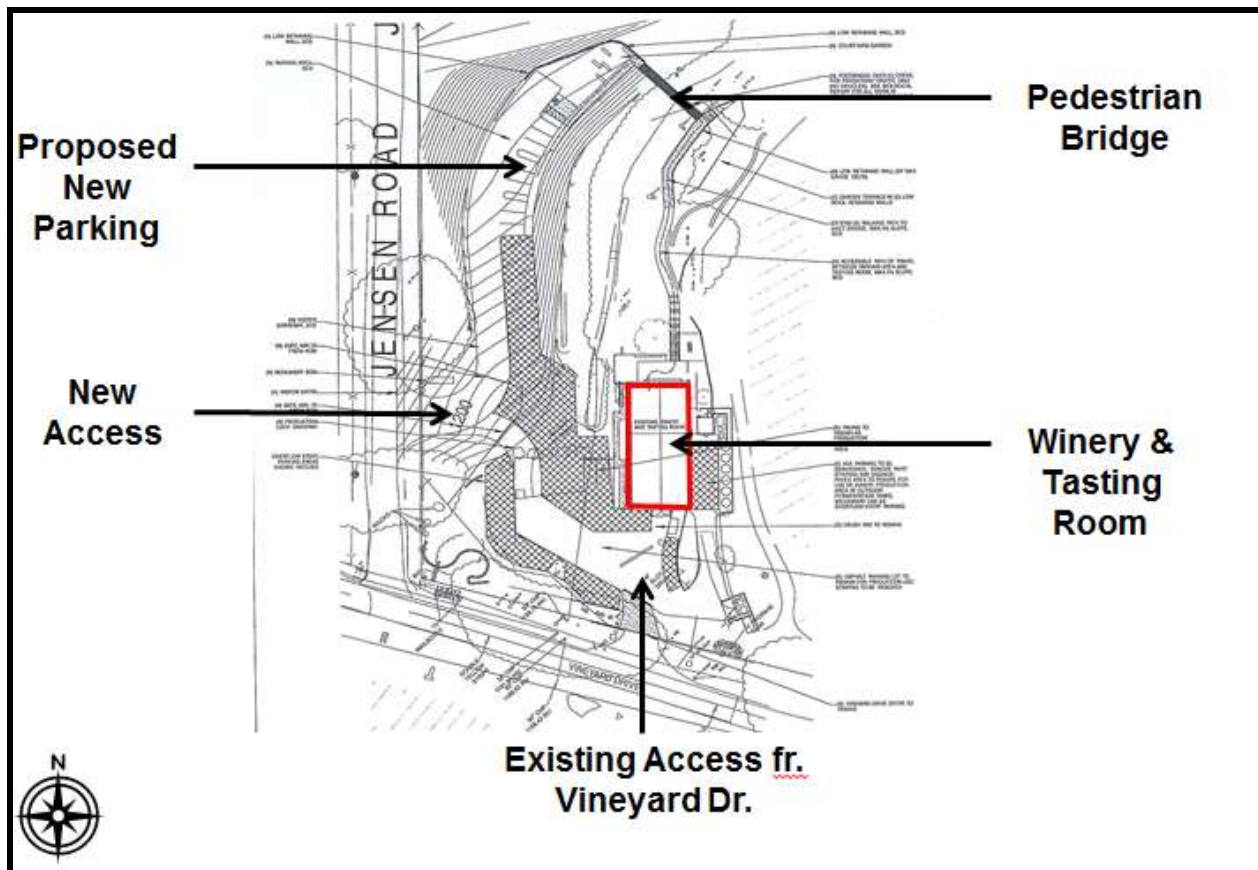


Figure 5. Proposed Site Plan (Winery Parcel)

### Parking

There are currently 9 parking spaces approved by the previous use permit that are used for the existing winery operations. During regular operations, under the new proposed facilities, visitors will be using the new parking area (10 spaces) and the existing parking will be converted to staff and production vehicle parking. The applicant is requesting 6 special events for up to 80 people per year. According to the County Public Improvement Standards Resolution 2008-152, parking spaces requirement is calculated based on a 2.5 person occupancy per vehicle. Based on this, special events for 80 guests will require 32 parking spaces and an industry-event for maximum 200 guests will require 80 parking spaces.

The County LUO Section 22.30.610D requires 400 sf per car space during temporary events. Based on this ratio, there is approximately 36 parking spaces available on site for a 80-person event. Brecon Estates also participates in industry-wide events which are allowed per ordinance. The winery currently hosts 6 annual industry events with a maximum of 200 attendees each time. An approximately 18,031 sf of unimproved area (45 parking spaces) on

the adjacent parcel under the same ownership (APN 039-011-026 – 1120 Jensen Road) is designated as the overflow parking for events above 80 attendees.

**PLANNING AREA STANDARDS:**

There are no planning area standards applicable to this project.

**ENVIRONMENTAL:**

Biological Resources. The proposed project requires clearing, grading, building, and other improvements to the northern area on site, adjacent to the riparian habitat. No sensitive resources were found on the project area. However, presence of aquatic species such as California Red-Legged Frog cannot be entirely ruled out during wet seasons. As proposed, no oak trees will be impacted or removed. However, to ensure avoidance and impacts to the biological resources on site, the applicant has agreed to incorporate pre-construction surveys, tree avoidance and/or replanting as permit conditions in order to mitigate potential impacts to less than significant levels.

**COMMUNITY ADVISORY GROUP COMMENTS:**

Templeton Area Advisory Group voted in support of the proposed project on August 25, 2015.

**AGENCY REVIEW:**

Public Works – Encroachment permit will be required, with construction in accordance with the recommendations of the sight-distance letter report by OEG, May 26, 2015 ( June 4, 2015);

CAL FIRE – See issued Commercial Fire Plan(March 18, 2015) and supplemental comments (Nov 30, 2015);

Environmental Health – Verify waste water and potable water supply adequacy ( Feb 11, 2015);

Ag Commissioner- No concerns (Feb 20, 2015 and August 26, 2015);

APCD – See referral comments (Feb 13, 2015);

Parks - No comments

RWQCN– No response.

**LEGAL LOT STATUS:**

The existing lot was legally created at a time when that was a legal method of creating lots.

Staff report prepared by Schani Siong and reviewed by Steve McMasters, Supervising Planner.